

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter

)

Rural Call Completion

)

WC Docket No. 13-39

)

REPLY COMMENTS OF COMPTTEL

COMPTTEL, through undersigned counsel, hereby replies to the Comments filed in the above-captioned proceeding. While there is consensus that action must be taken to correct the rural call completion problem, there is little consensus on what that action should be.¹ The Commission’s proposed reporting, record keeping and data retention requirements for call answer rate data may confirm that a call completion problem exists in rural areas, but they will not necessarily “ensure that telephone service to rural consumers is as reliable as service to the rest of the country.”²

The proposed reporting, record keeping and data retention requirements will be expensive and burdensome for providers, most especially smaller providers, to implement.³ As a result, the Commission should reject any suggestion that it eliminate the proposed safe harbors.⁴ To the extent that providers are able to meet the criteria for the proposed safe harbors, relief from some or all of the data reporting, record keeping and retention requirements is appropriate. According

¹ Compare *e.g.*, Comments of the National Association of Regulatory Utility Commissioners (“NARUC”) with Comments of Vonage Holdings Corp.

² *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, FCC 13-18 at ¶13 (rel. Feb. 7, 2013) (“NPRM”).

³ See *e.g.*, Comments of Associated Network Partners, Inc. and Zone Telecom, Inc. at 8.

⁴ See *e.g.*, NARUC Comments at 4; Joint State Commissions Comments at 2; Comments of the Massachusetts Department of Telecommunications and Cable at 2; Comments of Wellman Cooperative Telephone Association at 9-12.

to the Commission, the purpose of the proposed rules is to “provide an incentive for originating long distance providers to more closely monitor their call completion performance in rural areas and more actively manage their dealings with intermediate providers. . . .”⁵ Originating providers that can demonstrate through certifications that they are already carefully monitoring their call completion performance in rural areas and are actively managing their dealings with intermediate providers do not need such an incentive to ensure that the completion rates and quality of calls made by their customers to end users in rural areas are comparable to the completion rates and quality of calls made by their customers to end users in non-rural areas of the country.

In addition to the call answer rate data that the Commission proposes to require the industry to retain and report, NARUC and some of the individual state Commissions⁶ argue that the Commission should also require “the industry to track, record, and report the reason for call failure.” As COMPTTEL explained in its Comments, not all facilities-based originating long distance carriers have nationwide networks or provide nationwide service. When a customer of an originating carrier calls a party located in a state where the originating carrier does not provide service, the originating carrier must hand the call off to an underlying interexchange carrier for delivery to the terminating carrier which then must deliver the call to the called party. In those circumstances, the originating carrier may know that a particular call was not answered, but it would not know the reason for the call failure – *i.e.*, whether the call was blocked by the

⁵ NPRM at Appendix B, ¶ 2.

⁶ NARUC Comments at 4; Joint State Commissions Comments at 2; Comments of the Public Service Commission of the State of Missouri at 1, 4.

intermediate carrier or was simply not answered by the called party.⁷ That information would have to be obtained from the intermediate provider.

If the Commission were to entertain the State Commissions' argument for tracking, recording and reporting this additional call failure information, which it should not, it should also create an additional safe harbor for originating providers. An originating provider should be exempt from any call failure tracking, recording and reporting requirements if it submits an annual certification that it does not block calls to customers in rural areas and that all calls handed off to an intermediate provider are expected to complete. The intermediate provider that is privy to the reason for the call failure should then be required to track, record and report the reason for call failures.

Respectfully submitted,

/s/

June 11, 2013

Mary C. Albert
COMPTTEL
900 17th Street N.W., Suite 400
Washington, D.C. 20006
(202) 296-6650

⁷ COMPTTEL Comments at 2, n.6; *see also*, Comments of Cbeyond, Earthlink, Integra and tw telecom at 4.